

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MICHAL KONOPKA and DRAGAN BOSOTINA, and on behalf of themselves and all others similarly situated, PLUMBERS UNION LOCAL NO. 1 OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND FITTING INDUSTRY OF THE UNITED STATES AND CANADA, TRUSTEES OF THE PLUMBERS LOCAL UNION NO. 1 WELFARE FUND, TRADE EDUCATION FUND, 401(k) SAVINGS PLAN, and TRUSTEES OF THE UNITED ASSOCIATION NATIONAL PENSION FUND,

*Plaintiffs,*

v.

PACE PLUMBING CORP., PACE PLUMBING DELAWARE CORP., THE PACE COMPANIES NEW YORK, LLC, PACE FIELD SERVICES, LLC d/b/a PACE MECHANICAL, and EAGLESTONE, LLC d/b/a EAGLESTONE NY, LLC, and ATERIAN INVESTMENT MANAGEMENT, LP d/b/a ATERIAN INVESTMENT PARTNERS,

*Defendants.*

Case No.: 1:25-cv-00811-RER-CLP

**STIPULATION AND [PROPOSED] ORDER EXTENDING  
ATERIAN'S TIME TO RESPOND TO THE AMENDED COMPLAINT**

**WHEREAS**, Plaintiffs filed a Complaint against the above-named Defendants on February 12, 2025 (ECF No. 1);

**WHEREAS**, on March 12, 2025, Plaintiffs filed an Amended Complaint (ECF No. 8) naming Aterian Investment Management LP d/b/a Aterian Investment Partners ("Aterian") as a Defendant in the above action;

**WHEREAS**, Plaintiffs commenced service on Aterian via the Secretary of State on March 27, 2025 (ECF No. 15), and the Secretary of State mailed the Summons and Amended Complaint to Aterian on April 10, 2025;

**WHEREAS**, on April 18, 2025, Plaintiffs filed a Request for Certificate of Default against Aterian and other Defendants (ECF No. 21), which was denied on April 25, 2025, pursuant to Local Rule 55.1(a)(4), with instructions from the Court to re-file the request with a certificate of service demonstrating that the Request for Certificate of Default was served on Defendants;

**WHEREAS**, on April 22, 2025, Aterian received the Summons and Amended Complaint by mail; and

**WHEREAS**, the undersigned counsel for the respective parties have conferred, and Plaintiffs have agreed not to re-file the Request for Certificate of Default (ECF No. 21) against Aterian and to extend Aterian's time to answer, move, or otherwise respond to the Amended Complaint;

**NOW, THEREFORE**, the undersigned parties to this action, by their respective undersigned attorneys, **STIPULATE** and **AGREE** that:

1. Plaintiffs agree not to include Aterian in a re-filed Request for Certificate of Default;
2. The time for Aterian to answer, move to dismiss, or otherwise respond to the Amended Complaint is hereby extended to and includes May 21, 2025; and
3. Nothing herein shall be deemed to constitute a waiver of any of Aterian's rights, defenses, or objections with respect to the claims set forth in the Amended Complaint.

Date: April 25, 2025

By: /s/   
**KESSLER MATURA, P.C.**

Troy L. Kessler  
Garrett Kaske  
534 Broadhollow Rd., Suite 275  
Melville, New York 11747  
(631) 499-9100  
tkessler@kesslermatura.com  
gkaske@kesslermatura.com

*Counsel for Plaintiffs Michal Konopka and  
Dragan Bosotina and the Putative Class*

By: /s/ Jane Lauer Barker  
**PITTA LLP**

Jane Lauer Barker  
120 Broadway, 28th Floor  
New York, New York 10271  
(212) 652-3828  
jbarker@pittalaw.com

*Attorneys for Plaintiff Plumbers Union  
Local No. 1 of the United Association of  
Journeymen and Apprentices of the  
Plumbing and Fitting Industry of the  
United States and Canada*

By: /s/ Lamina Bowen  
**KIRKLAND & ELLIS LLP**

Lamina Bowen  
601 Lexington Avenue  
New York, New York 10022  
(212) 446-4800  
lamina.bowen@kirkland.com

Martin L. Roth, P.C. (*pro hac vice* forthcoming)  
Michael K. Sciacotta (*pro hac vice* forthcoming)  
333 West Wolf Point Plaza  
Chicago, Illinois 60654  
(312) 861-7170  
martin.roth@kirkland.com  
michael.sciaccotta@kirkland.com

*Counsel for Aterian Investment Partners*

By: /s/ Adrianna R. Grancio  
**VIRGINIA & AMBINDER, LLP**

Charles R. Virginia, III  
Adrianna R. Grancio  
40 Broad Street, 7th Floor  
New York, New York 10004  
(212) 943-9080  
cvirginia@vandallp.com  
agrancio@vandallp.com

*Attorneys for Plaintiff Trustees of the  
Plumbers Local Union No. 1 Welfare Fund,  
Trade Education Fund, 401(k) Savings Plan,  
United Association National Pension Fund,  
and International Training Fund*

**IT IS SO ORDERED.**

Dated: April \_\_, 2025

---

Hon. Cheryl L. Pollak

United States Magistrate Judge